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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,595	10/30/2001	Bernd Burchard	112740-296	5844

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BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,595

Applicant(s)

BURCHARD ET AL.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments with respect to claims 10-18 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al. [6308062], (hereinafter Chien) and Theimer [6519241], (hereinafter Theimer) in view of Holmes [5875395], (hereinafter Holmes).

Regarding claim 10, Chien discloses a data exchange system, comprising: a mobile component (col. 2, lines 42-43; col. 3, lines 15-31; col. 4, lines 22-48; Fig. 1, ref.

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15, the system comprises a mobile terminal); and a control device for receiving control commands from the mobile component to control at least one consumer converting the control commands into corresponding control signals and transmitting the control signals via a data transmission path to the consumer to be controlled (col. 2, lines 39-45; col. 4, lines 43-48, the system comprises a fixed radio controller to allow transmission from the portable device through serial bus line to the item to be controlled); the control device evaluating the control commands and converting the control commands into a corresponding control of the consumers connected to the data transmission path (col. 1, lines 5-65; col. 2, lines 56-61; col. 3, lines 16-30; col. 4, lines 22-38 and 43-48; col. 6, lines 33-40, the portable device is able to connect wirelessly to the fixed radio base and through the bus wire to the component to acquire information from and further provides components to be able to access the public network and download a variety of data, thus, being able to control the customer's remote devices).

Chien fails to disclose wherein the mobile component further comprises an Internet interface to transmit control commands to the control device.

However, an Internet interface to transmit commands is known in the art.

Theimer teaches, in an analogous art, a mobile telephone that contains a web browser capable of transmitting signals to a control center and commencing actions when necessary (col. 1, lines 34-60; col. 2, lines 12-22, 40-56, 66-col. 3, lines 1-8, 31-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include phone browsing means to send command

signals to a controller in order to provide an interface between the mobile device and the internet system and provide specific data commands to remote appliances.

Moreover, the combination of Chien and Theimer does not explicitly disclose the mobile component further comprising an identification unit for supplying information to identify the user of the mobile component, at least one of the mobile component and the control device evaluating the identification information supplied by the identification unit in order to release at least one of access to the consumers connected to the data transmission path and individual functions of the consumers.

However, Holmes discloses a secure data transfer and application of a secure data transfer in an automation system such as a home automation system comprising a sophisticated bi-directional verification format, in which a mobile phone is not allowed to control over a customer's appliance unless a security module has conducted the verification of the signal transmission of the identity of the mobile phone in order to control appliances (col. 3, lines 1-37, 47-53-col. 4, lines 18-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the mobile component of Chien such that it has appropriate registration procedures, such as the mobile component as disclosed by Holmes, because it would provide the system with bi-directional verification schemes in order to validate access to authorized users at the mobile stations via the control station.

Regarding claim 11, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the mobile component is a mobile telephone (Chien, col. 2, lines 43-44; col. 4, lines 22-29; Fig. 3, a mobile handset is used).

Regarding claim 12, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the control device further comprises an interface device for creating a communications interface between the mobile component and a communications network (Chien col. 5, lines 33-38; col. 6, lines 33-40, the system provides interworking service function to public networks).

Regarding claim 13, the combination of Chien, Theimer and Holmes discloses a data exchange system wherein the control device is controlled by the mobile component in a different frequency range than a frequency range used for the transmission of communications information between the mobile component and the interface device (Chien, col. 5, lines 3-4).

Regarding claim 14, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the control device, the data transmission path and the consumers to be controlled are accommodated in one housing unit (Chien, col. 2, lines 62-67; col. 3, lines 1-4; Fig. 1, refs. 20, 40, the system elements may be comprised in one single compound).

Regarding claim 15, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the data transmission path is a bus line via which a plurality of consumers can be controlled with the aid of the mobile component and the

control device (Chien, col. 2, lines 58-67; col. 3, lines 1-14, the portable unit may manage the controllable items through the radio fixed base and the serial bus).

Regarding claim 16, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the control device makes a status query relating to the consumers connected to the data transmission path with the aid of the mobile component (Chien, col. 5, lines 33- 44, the intelligent component on the radio fixed base responds to inputs from the portable device).

Regarding claim 17, the combination of Chien, Theimer and Holmes discloses a data exchange, wherein the consumers connected to the data transmission path can be controlled via a hierarchical menu structure, which can be presented on a display unit of the mobile component when the control device is controlled by the mobile component (Chien, col.4, lines 49-63; col. 5, lines 38-42; col. 6, lines 32-40, the user may control items connected to the fixed radio base via the bus line from his or her portable device).

Regarding claim 18, the combination of Chien, Theimer and Holmes discloses a data exchange system, wherein the mobile component and the control device transmit the control commands via the Internet interface of the mobile component in accordance with the WAP protocol (Chien, col.4, lines 49-63; col. 5, lines 38-42; col. 6, lines 32-40, the user may connect to the Internet through his or her portable device to acquire e-mails, or other data services; Theimer, col. 1, lines 35-44; col. 2, lines 12-44).

Conclusion


- a. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JP.
8/25/05


ERIKA A. GARY
PRIMARY EXAMINER